



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/749,940

12/31/2003

Bojan Zuzek

293-002

6663

27776

7590

01/20/2010

WARD & OLIVO

SUITE 300

382 SPRINGFIELD AVENUE

SUMMIT, NJ 07901

EXAMINER

MOLINA, ANITA C

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

01/20/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,940	<b>Applicant(s)</b> ZUZEK ET AL.	
	<b>Examiner</b> ANITA MOLINA	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Notice to Applicant*

This is a final action on the merits. In the amendment filed 09/28/2009, the following occurred: claims 1-21 are pending, claims 1, 5, 12, 15, 17, and 20 are amended.

### *Response to Amendment*

The amendments filed on 09/28/2009 have overcome the previous U.S.C. 101 and U.S.C. 112 rejections.

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-13, 15-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0061096 to Gallivan in view of US 7,234,064 to Menschik et al, hereinafter, Menschik.

As per claim 1, Gallivan teaches **a method for transforming raw transactional data comprising the steps of:**

**-accessing, via a processor said data via a communication network from at least one external source** (see: paragraph 34);

**-formatting, via said processor said data to create formatted data, wherein said formatting includes cleaning and validating said data, wherein said formatted data has a first size** (see: paragraphs 38 and 135);

**-longitudinally, via said processor linking said formatted data** (see: paragraph 38);

**-compressing, via said processor said formatted data to create compressed data, wherein said compressed data is a second size, wherein said second size being a fraction of said first size;**

**-storing, via said processor said compressed data in at least one database** (see: paragraphs 38-39);

**-extracting, via said processor said compressed data from said at least one database for analysis** (see: paragraph 44); and

**-displaying, via a display device, results of said analysis as analyzed data** (see: paragraphs 44 and 127).

Gallivan fails to specifically teach **wherein said compressed data is a second size, wherein said second size being a fraction of said first size**. Menschik teaches compressing files to reduce their size (see: column 17, lines 45-52). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the data compression as taught by Menschik because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2, Gallivan teaches the claimed method, **further comprising the step of creating interval interpretations of data representing activity over time** (see: paragraph 113).

As per claim 3, Gallivan teaches the claimed method, **wherein said data is pharmaceutical transactional data** (see: paragraph 42).

As per claim 4, Gallivan teaches the claimed method, **wherein said communication network is selected from the group consisting of an internet, an intranet, a wireless network, a cellular network, a wide area network, a local area network, a virtual private network, a token ring network, and a dial-up network** (see: paragraph 34).

As per claim 5, Gallivan teaches the claimed method, **wherein said compressing comprises the steps of:**

- (a) **inserting said formatted data into storage tables** (see: paragraph 46);
- (b) **sorting and evaluating said formatted data** (see: paragraph 46);
- (c) **performing calculations on said formatted data** (see: paragraphs 46 and 84); and
- (d) **creating interval tables of said formatted data** (see: paragraph 61 and Table 1).

As per claim 6, Gallivan teaches the claimed method, **wherein said analysis is performed based on end-user specifications** (see: paragraph 44).

As per claim 7, Gallivan teaches the claimed method, **wherein said analysis is used for market studies** (see: abstract).

As per claim 8, Gallivan teaches the claimed method, **wherein said market studies comprise Therapy Area and Single Class** (see: paragraphs 92-96).

As per claim 9, Gallivan teaches the claimed method, **wherein said compressing retains all information represented by said raw transactional data** (see: claim 1, assuming 0% compression).

As per claim 10, Gallivan teaches the claimed method, **wherein said analysis includes data summarization** (see: paragraph 129).

As per claim 11, Gallivan teaches the claimed method, **wherein said results are delivered to an end-user via a communication network** (see: Figure 2).

As per claim 12, Gallivan teaches the claimed method, **wherein said analyzed data and said results are continuously updated over an extended period of time** (see: paragraph 36).

As per claim 13, it is rejected for the same reason set forth for claim 10.

As per claim 15, Gallivan teaches **an apparatus for transforming raw transactional data comprising:**

- at least one communication network for transfer of said data** (see: paragraph 34);

- a data extraction, transformation and loading tool** (see: Figure 2, paragraphs 38 and 44);

- at least one database for storage of said data** (see: paragraph 46);

**-at least one data processor for processing and compressing said data to create compressed data**, wherein said compressed data is a fraction of size of said data (see: paragraph 46);

**-a plurality of system applications for running scripts, wherein said scripts perform data analysis, extraction, transformation and loading** (see: Figure 2, paragraphs 38-44); and

**-a web browser for displaying results of said data analysis** (see: paragraph 122).

Gallivan fails to specifically teach **wherein said compressed data is a fraction of size of said data**. Menschik teaches compressing files to reduce their size (see: column 17, lines 45-52). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the data compression as taught by Menschik for the same reasons set forth for claim 1.

As per claim 16, Gallivan teaches the claimed apparatus, **wherein said communication network comprises at least one communication device, a plurality of data gathering devices, at least one communication link, and at least one network protocol** (see: Figure 2).

As per claim 17, Gallivan fails to teach the claimed apparatus, **further comprising an archive server for backup storage**. Menschik teaches using a server to manage archiving files (see: column 9, line 63 - column 10, line 10). It would have been obvious to one of ordinary skill in the art to include in the data storage and

Art Unit: 3626

analysis of Gallivan, the archive server as taught by Menschik for the same reasons set forth for claim 1.

As per claim 19, it is rejected for the same reasons set forth for claim 7.

As per claim 20, Gallivan teaches **a method for compressing data comprising the steps of:**

**-accessing, via a processor, raw data from at least one external source**

(see: paragraph 34);

**-formatting, via said processor, said raw data, wherein said formatting includes cleaning and validating** (see: paragraphs 38 and 135);

**-storing said raw data into tables** (see: paragraphs 38-39);

**-creating intervals, via said processor, from said raw data and storing said results into tables** (see: paragraph 113);

**-compressing, via said processor, said raw data to create compressed data, wherein said compressed data is a fraction of size from said raw data; and**

**-extracting, via said processor, market studies from said results for analysis** (see: abstract).

Gallivan fails to specifically teach **compressing, via said processor, said raw data to create compressed data, wherein said compressed data is a fraction of size from said raw data**. Menschik teaches compressing files to reduce their size (see: column 17, lines 45-52). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the data compression as taught by Menschik for the same reasons set forth for claim 1.



As per claim 21, it is rejected for the same reasons set forth for claim 12.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0061096 to Gallivan in view of US 7,234,064 to Menschik and in view of US 2002/0165736 to Tolle et al, hereinafter, Tolle.

As per claim 14, Gallivan fails to specifically teach the claimed method, **wherein said transactional data remains anonymous**. Tolle teaches analyzing de-identified patient prescription records (see: abstract). It would have been obvious to one of ordinary skill in the art to include in the pharmaceutical data analysis of Gallivan, the de-identification of data as taught by Tolle because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0061096 to Gallivan in view of US 7,234,064 to Menschik and in view of US 7,191,183 to Goldstein.

As per claim 18, Gallivan fails to teach the claimed apparatus, **wherein said displayed results are in the form of applets**. Goldstein teaches a browser based graphical user interface for creating reports and analyzing data (see: column 6, lines 6-9). It is obvious to one of ordinary skill in the art to use an applet in a browser. It would have been obvious to one of ordinary skill in the art to include in the pharmaceutical data analysis of Gallivan, the browser as taught by Goldstein because the claimed

Art Unit: 3626

invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANITA MOLINA whose telephone number is (571)270-3614. The examiner can normally be reached on Monday through Friday 8am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M./

Examiner, Art Unit 3626

01/18/2010

/Robert Morgan/

Primary Examiner, Art Unit 3626